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SEP 10 1996

STATE OF MAINE

SUPREME JUDICIAL COURT

SUPREME JUDICIAL COURT

DOCKET NO. BAR-95-3

BOARD OF OVERSEERS OF
THE BAR

v.

DAVID F. GOULD

ORDER ON MOTION
FOR CONTEMPT

The Court is again presented with a Motion for Contempt brought by the Board of Overseers of the Bar against David F. Gould. Mr. Gould was disbarred from the practice of law in the State of Maine effective June 9, 1995. Subsequent to the effective date of his disbarment, Mr. Gould failed to fulfill the obligations imposed on him by M. Bar R. 7.3(i). The Board of Overseers of the Bar brought a Motion for Contempt against Mr. Gould August 18, 1995 which resulted in an Order entered by the Court November 6, 1995 finding Mr. Gould in contempt of the Court's disbarment Order.

By a motion dated June 14, 1996 the Board of Overseers of the Bar brought a second Motion for Contempt against Mr. Gould. A hearing in connection with the Board of Overseers of the Bar's second motion for contempt was had before the Court on August 30, 1996 in Mr. Gould's absence after the Court denied Mr. Gould's motion for continuance.

The Court admitted exhibits offered by the Board of Overseers of the Bar and heard testimony from the Honorable Rosaire J. Sirois of Caribou,

Maine. Based upon the Board's exhibits and Mr. Sirois' testimony, the Court concludes that Mr. Gould:

- (1) failed to notify Mr. Sirois, a client, of his disbarment;
 - (2) continued to represent Mr. Sirois subsequent to his disbarment;
- and
- (3) has refused to return Mr. Sirois' file to him.

The Court finds:

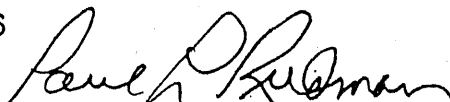
- (1) David F. Gould to be in contempt of this Court's Order of May 10, 1995 by failing to timely and properly comply with the notification reporting requirements of M. Bar R. 7.3(i)(1);
- (2) that the affidavits submitted by Mr. Gould on October 20, 1995 to the Court and to the Board of Overseers of the Bar were intended by him to be false, misleading and a deliberate misrepresentation of the number of clients with whom he had open engagements as of May 10, 1995;
- (3) that David F. Gould has continued to practice law in violation of the Court's Order of May 10, 1995.

The Court orders:

- (1) the Board of Overseers of the Bar's Motion for Contempt is GRANTED;
- (2) David F. Gould, within ten days of the date of this Order, file an affidavit with the Court (with a copy to the Board of Overseers of the Bar) listing by name, address and telephone number all clients with whom he now has or had open engagements with on May 10, 1995 in any matter, patent or otherwise;
- (3) David F. Gould, within ten days of the date of this Order, produce for inspection and copying by Bar Counsel at the office of the Board of Overseers of the Bar, 97 Winthrop Street, Augusta, Maine files of all of his clients with whom he now has or had open engagements with on May 10, 1995 in any matter, patent or otherwise;
- (4) David F. Gould, within ten days of the date of this Order, return to Rosaire J. Sirois all materials supplied to him by Mr. Sirois, together with copies of all documents and correspondence filed with or sent to the U. S. Patent Office on Mr. Sirois' behalf; and

(5) David F. Gould, within ten days of the date of this Order, reimburse the Board of Overseers of the Bar the expenses incurred by it in the pursuit of its Motion for Contempt in the amount of \$182.77.

DATED: September 9, 1996



Paul L. Rudman
Justice, Supreme Judicial Court

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